

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC JAMES WELLINGTON,

Defendant.

**CR-15-59-GF-BMM**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 21, 2015. (Doc. 8). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Wellington appeared before Judge Johnston pursuant to Fed. R. Crim. P. 11. Wellington entered a plea of guilty to Felon in Possession of a Firearm, as set forth in Count I of the Information.

Judge Johnston made the following findings: (1) Wellington was fully competent and capable of entering an informed and voluntary plea; (2) Wellington was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) Wellington understands fully his constitutional rights, and the extent to which Wellington is waving those rights by pleading guilty; and, (4) Wellington's plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the count charged. (Doc. 10.)

Judge Johnston also found that Wellington had adequate time to review the Plea Agreement with counsel, Wellington understands each provision of the agreement, and the statements in the Plea Agreement are true. (Doc. 10.) Judge Johnston recommended that this Court accept Wellington's plea of guilty to one count of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2) as charged in Count I of the Information, and that sentenced be imposed. (Doc. 10.)

This Court finds no clear error in Judge Johnston's Findings and Recommendations, and adopts them in full. The Court also adopts Judge Johnston's recommendation that this Court defer acceptance of the Plea Agreement (Doc. 4) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

**IT IS ORDERED** that Eric James Wellington's Motion to Change Plea (Doc. 3) is **GRANTED**. **IT IS FURTHER ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 10) are **ADOPTED IN FULL**.

DATED this 6th Day of October, 2015.



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Brian Morris  
United States District Court Judge